

U.S. House of Representatives

Committee on the Judiciary

Washington, DC 20515–6216

One Hundred Fifteenth Congress

November 27, 2018

The Honorable Matthew Whitaker
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Christopher A. Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW
Washington, D.C. 20535

The Honorable Kirstjen M. Nielsen
Secretary
U.S. Department of Homeland Security
301 7th Street SW
Washington, D.C. 20528

Dear Acting Attorney General Whitaker, Secretary Nielsen, and Director Wray:

As you are no doubt aware, Members of the House Judiciary Committee have written repeatedly to the Trump Administration and Chairman Goodlatte¹ on matters related to domestic terrorism, countering violent extremism, domestic surveillance, and the unfair profiling of racial, religious, and ethnic minority groups. To date, we have received little or no substantive response to any of these communications.

According to the latest FBI reporting, hate crimes increased by 17 percent last year—and approximately three out of five of the more than 7,100 incidents appear to have been motivated by race or ethnicity.² The report also shows that hate crimes motivated by anti-Semitism rose by 27 percent. We have reason to believe that even these troubling numbers fail to capture the extent of the problem, as hate crimes remain vastly underreported by federal, state, and local law enforcement agencies across the United States.³

¹ Letter to Chairman Bob Goodlatte from Ranking Member Jerrold Nadler and Reps. Sheila Jackson Lee & Steve Cohen, “Calling for emergency hearings on hate crimes and domestic terrorism in the wake of white supremacist violence” (Oct. 29, 2018).

² U.S. FED. BUREAU OF INVESTIGATION, HATE CRIME STATISTICS 2017 (Nov. 13, 2018).

³ John Eligon, *Hate crimes increase for the third consecutive year F.B.I. reports*, N.Y. TIMES, Nov. 13, 2018; James Hohmann, *The daily 202: hate crimes are a much bigger problem than even the new FBI statistics show*, WASH.

The warning signs have been with us for some time. In May 2017, a joint FBI-DHS intelligence bulletin warned of the growing threat of violence posed by white supremacists, Neo-Nazis, right-wing extremists, and other white nationalist groups.⁴ Between 2008 and 2016, plots and attacks by white nationalist groups in the United States outnumbered the threat from Islamic extremists two-to-one.⁵ White supremacist groups are also recruiting aggressively on college campuses.⁶ Since 2014, more than 100 people have been killed or injured by perpetrators influenced by “alt-right” propaganda—more than 60 in 2017 alone.⁷ Recently, the FBI categorized the increasingly well-known “Proud Boys to be an extremist group with ties to white nationalism.”⁸ It is also encouraging to learn that the Administration is studying the problem and has created a central online hub for hate crime resources,⁹ but Congress remains largely in the dark as to any concrete steps you may have taken to monitor, track, and prevent this hate-based, homegrown violence. However, there appears to be a politically driven effort to diminish programs that empower communities to counter the influence of extremist ideology.¹⁰ Reports indicate the Administration cancelled grants for organizations that help de-radicalize white supremacists and for researchers who develop media campaigns aimed at diminishing the online influence of these groups.¹¹

Reporting also suggests that the Administration remains focused on targeting specific racial and ethnic minorities as the suspected main sources of domestic terrorism. A draft report by the Department of Homeland Security, leaked in early 2018, details a plan to track and surveil Sunni Muslims in the United States.¹² The FBI’s August 2017 Intelligence Assessment—issued

POST, Nov. 14, 2018. *See also* Arjun Singh Sethi, *The FBI recoded a surge of hate crimes last year. But it undercounted—by a lot*, WASH. POST, Nov. 14, 2018

⁴ U.S. FED. BUREAU OF INVESTIGATION & DEPT. OF HOMELAND SECURITY, JOINT INTELLIGENCE BULLETIN: WHITE SUPREMACIST EXTREMISM POSES PERSISTENT THREAT OF LETHAL VIOLENCE, IA-0154-17 (May 10, 2017).

⁵ David Neiwert et al., *Homegrown terror: explore 9 years of domestic terrorism plots and attacks*, CENTER FOR INVESTIGATIVE REPORTING, June 22, 2017; David Neiwert, *Far-right vigilantes have hatched far more terror plots than anyone else in recent years*, CENTER FOR INVESTIGATIVE REPORTING, June 21, 2017

⁶ ANTI-DEFAMATION LEAGUE, *WHITE SUPREMACISTS PROPAGANDA SURGES ON CAMPUS* (Jan. 29, 2018).

⁷ SOUTHERN POVERTY LAW CENTER, *THE ALT-RIGHT IS KILLING PEOPLE* (Feb. 5, 2018).

⁸ Megan Keller, *Proud Boys classified by FBI as ‘extremist group’ with ties to white nationalism*, THE HILL, Nov. 19, 2018.

⁹ U.S. Dept. of Justice, Press Release, *Justice department releases update on hate crimes prosecutions and announces launch of new hate crimes website*, Oct. 29, 2018.

¹⁰ *See* Laura Strickley, *Trump admin will apparently not renew program to fight domestic terror*, NBC NEWS, Oct. 31, 2018; John Hudson, *The Gorka that matters isn’t leaving the Trump administration*, BUZZ FEED, Aug. 29, 2017; and Peter Beinart, *Trump shut programs to counter violent extremism*, THE ATLANTIC, Oct. 29, 2018.

¹¹ *Id.* *See also*, Ron Nixon & Eileen Sullivan, *Revocation of grants to help fight hate under new scrutiny after Charlottesville*, N.Y. TIMES, Aug. 15, 2017.

¹² George Joseph, *Draft DHS Report Called for Long-Term Surveillance of Sunni Muslim Immigrants*, FOREIGN POLICY, Feb. 5, 2018. This draft report has been misleadingly labeled as *Demographic Profile of Perpetrators of Terrorist Attacks in the United States Since September 2001 Attacks Reveals Screening and Vetting Implications*.

shortly after nation-wide protests against police brutality—concluded that “Black Identity Extremism,” defined in part by “perceptions of police brutality against African Americans,” remains a threat to law enforcement.¹³ Shortly after the Dallas police shooting by a lone sniper, the FBI reportedly circulated emails stating there was “a threat of black supremacist extremists attempting to violently co-opt the upcoming DNC/RNC.”¹⁴

These concerning trends in law enforcement play out against the backdrop of President Trump’s rhetoric. He calls himself a nationalist.¹⁵ He falsely claims that “foreigners” are the primary sources of domestic terror.¹⁶ He famously claimed that there were “some very fine people on both sides” of the riot in Charlottesville—where a neo-Nazi demonstration ended in the death of one counter-protestor and two officers of the Virginia state police.¹⁷

In the next Congress, this Committee will likely examine the causes of racial and religious violence, assess the adequacy of federal hate crimes statutes, and scrutinize targeted domestic surveillance of specific groups. We need to work together to study the disturbingly increasing number of hate crimes, the growing threat of far right and right wing extremism, and the disparate treatment of minority communities in terrorism investigations. The horrific massacre at the Tree of Life Synagogue in Pittsburgh, the murder of an African-American couple in a Kentucky grocery store and Indian engineers in a Kansas bar, and the package bombs sent to Trump opposition figures are only the most recent reminders of the ever-present threat of extremism in our country.

To that end, I ask that you provide a complete response to the questions posed in each of the following letters sent to you by some or all of the Members of this Committee:

- A February 3, 2017 letter to Acting Attorney General Dana Boente from Ranking Member Conyers, Ranking Member Thompson, and Ranking Member Engel, requesting answers to reports that President Trump intended to overhaul the government Countering Violent Extremism program in a manner that would target and single out Muslim Americans.

¹³ U.S. FED. BUREAU OF INVESTIGATION, INTELLIGENCE ASSESSMENT: BLACK IDENTITY EXTREMISTS LIKELY MOTIVATED TO TARGET LAW ENFORCEMENT OFFICERS (Aug. 3, 2017).

¹⁴ Sweta Vohra, *Documents show U.S. monitoring of Black Lives Matter*, Al Jazeera, Nov. 28, 2017 (“based on known intelligence and/or specific, historical observations, it is possible [First Amendment] protected activity could invite a violent reaction towards the subject individuals or groups, or the activity could be used as a means to target law enforcement”).

¹⁵ Weijia Jiang, *Trump doubles down on dubious immigration claims ahead of midterms*, CBS NEWS, Oct. 23, 2018.

¹⁶ Benjamin Wittes, *The justice department finds ‘no responsive records’ to support a Trump speech*, LAWFARE, July 31, 2018.

¹⁷ Rosie Gray, *Trump Defends White Nationalist Protestors: ‘Some Very Fine People on Both Sides,’* ATLANTIC, Aug. 15, 2017.

- A February 22, 2017 letter to Attorney General Jeff Sessions, Secretary John Kelly, and FBI Director James Comey, led by Representative Stephanie Murphy and signed by 150 members, urging federal agencies to address threats to Jewish organizations.
- A June 7, 2017 letter from the Congressional Black Caucus to Attorney General Jeff Sessions and FBI Acting Director Andrew McCabe, calling for the dedication of additional resources to hate crime investigations and prosecutions.

I also ask for your assistance in securing responses to an August 2, 2018 letter to President Trump from Ranking Member Nadler and Representative Lofgren to President Trump, asking how and why he issued false statements concerning terrorism-related offenses when addressing the country before a joint session of Congress.

Finally, in light of recent events, I also ask that you respond to the following:


1. With respect to the creation and dissemination of the “Black Identity Extremists” intelligence assessment, please provide a list of any groups that have been designated as BIE, as well as any documents supporting such designation. In addition, please provide any communications by Department personnel relating to “a threat of black supremacist extremists attempting to violently co-opt the upcoming DNC/RNC.”¹⁸
2. Have you disseminated any intelligence assessments—similar to the BIE assessment—that identify specific minority groups as threats? If so, please provide us with copies of these assessments and any supporting documentation.
3. With respect to the creation and dissemination of a report titled *Demographic Profile of Perpetrators of Terrorist Attacks in the United States since September 2001 Attacks Reveals Screening and Vetting Implications*, please provide us with copies of any drafts of this report, any supporting evidence for this report, and a description of any actions taken or considered related to the conclusions set forth in the report.
4. Please describe any actions taken or considered by the Department of Justice or the Department of Homeland Security related to the recommendations set forth in the GAO report titled, *Countering Violent Extremism: Actions Needed to Define Strategy and Assess Progress of Federal Efforts*.
5. Please describe any actions taken or considered by the Department of Justice or the Department of Homeland Security concerning the scope of existing “Countering Violent Extremism” programs, including but not limited to efforts to re-label such programs as “Countering Islamic Extremism” or “Countering Radical Islamic Extremism.”

¹⁸ Sweta Vohra, *Documents show U.S. monitoring of Black Lives Matter*, Al Jazeera, Nov. 28, 2017 (“based on known intelligence and/or specific, historical observations, it is possible [First Amendment] protected activity could invite a violent reaction towards the subject individuals or groups, or the activity could be used as a means to target law enforcement”).

6. Please describe any actions taken or considered by the Department of Justice or the Department of Homeland Security concerning the scope of the "Office of Community Partnerships," including but not limited to efforts to reduce grant funding or rename the office as the "Office of Terrorism Prevention Partnerships."

I ask that you provide a complete response to these requests no later than December 31, 2018. Thank you for your prompt attention to this matter.

Sincerely,



Rep. Jerrold Nadler
Ranking Member
House Committee on the Judiciary

cc: The Hon. Bob Goodlatte, Chairman, House Committee on the Judiciary